

## **REMARKS**

### **Claim Rejections**

Claims 1-66 are pending in this application. Claims 1, 20, 30, 46, and 58 have been amended.

The Examiner has rejected claims 1, 5-7, 11, 16-18, 21-22, 24-26, 28-30, 32-35, 39 and 43-44 as being anticipated by U.S. Patent No. 5,641,463 to Langhart ("the '463 patent").

The Examiner has also rejected claims 19, 45, 58-63, and 66 as being obvious in view of the '463 Patent. The Examiner has also rejected claims 2-4 and 31 as being obvious in view of the '463 Patent in view of U.S. Patent No. 3,925,942 ("the '942 Patent"). The Examiner has also rejected claims 10 and 38 as being obvious in view of the '463 Patent in view of U.S. Patent No. 4,956,042 ("the '042 Patent"). The Examiner has further rejected claims 46, 48-49, 51-55, 57 and 65 as being obvious in view of the '463 Patent in view of Japanese Patent JP 02-072820 ("the Miyasak"). The Examiner has also rejected claim 47 as being obvious in view of the '463 Patent and the Miyasak Patent and further in view of the '942 Patent. The Examiner has further rejected claim 50 as being unpatentable in view of the '463 Patent in view of the Miyasak Patent and the '042 Patent.

The Examiner has backed up the previous rejections by further rejecting claims 1, 5-9, 11, 15-26, 28-30, 32-37, 39, 43-45, 58-63 and 66 as being unpatentable over the '463 Patent in view of U.S. Patent No. 3,682,225 ("the '225 Patent"). The Examiner has also rejected claims 2-4 and 31 as being obvious in view of the '463 Patent and the '225 Patent and further in view of the '942 Patent. The Examiner has also rejected claims 10 and 38 as being unpatentable over the

'463 Patent in view of the '225 Patent and further in view of the '042 Patent. The Examiner has also rejected claims 46, 48-49, 51-55, 57 and 65 as being unpatentable over the '463 Patent in view of the '225 Patent in view of the Miyasak Patent. The Examiner has also rejected claim 47 as being unpatentable in view of the '463 Patent, the '225 Patent and Miyasak Patent, and further in view of the '942 Patent. Finally, the Examiner has rejected claim 50 as being unpatentable over the '463 Patent in view of the '225 Patent and further in view of the Miyasak Patent and the '042 Patent. These rejections are moot in view of the newly amended claims.

Claims 1, 20, 30, 46, and 58 have been amended to clarify that the gasket is deformable by compressing the gasket **by the weight of the canopy** against the surface to form a seal there between. This feature is neither taught nor fairly suggested by the '463 patent alone or in combination with any of the other secondary references cited by the Examiner.

The '463 patent discloses a mechanized tent that includes a tarp. The weight of this tarp is not capable of compressing the perimeter hose 62 located at the bottom of the canopy. Furthermore, as clearly shown in Fig.1 the plurality of rings or grommets attaching the canopy to the top frame 12 causes the top 16 of the canopy to sag. This sagging of the canopy prevents the formation of a reliable gasketed seal between the canopy and the floor because of the uneven distribution of the weight of the canopy and the perimeter hose 62. Clearly the weight of the canopy is not capable of creating the necessary weight forces on the perimeter hose. In addition, the perimeter hose of the '463 patent is filled with water which would be subject to freezing due to the cooling conditions inside the canopy. This freezing of water would serve to further prevent the formation of a reliable flexible seal on the typically uneven surface conditions present in a typical warehouse.

None of the other prior art references, alone or in combination, cited by the Examiner remedy this deficiency of the '463 Patent. As such the Examiners rejections should be withdrawn.

The dependent claims 2-19, 21-29, 31-45, 47-57, and 59-66 depend from independent claims 1, 20, 30, 46, and 58 are allowable for the same reasons given for the independent claims. Furthermore, the dependent claims recite numerous additional features not found in the prior art cited by the Examiner. Therefore, the dependent claims are also in condition for allowance and the Examiner's rejections should be withdrawn.

Applicant acknowledges with appreciation that the Examiner has deemed claims 12-14, 27, 40-42, 56 and 64 allowable as being dependent upon a rejected base claim. In light of the arguments presented herein, the Applicant respectfully submits that any amendments made at this time are unnecessary.

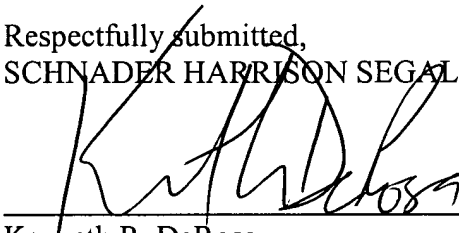
**CONCLUSION**

It is respectfully submitted that the claims in this application are all considered allowable over the relevant art of record. Applicant respectfully requests an early notice of allowance.

If the Examiner believes that direct communication with the Applicants' attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

Dated: 4/19/06 By: \_\_\_\_\_

Respectfully submitted,  
SCHNADER HARRISON SEGAL & LEWIS LLP

  
\_\_\_\_\_  
Kenneth R. DeRosa  
Registration No.: 39,549  
Direct Dial: 215-751-2405  
Fax: 215-751-2205  
E-mail: kderosa@schnader.com  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103  
Attorneys for Applicants